

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Fiesta Mart, LLC, §
§
Plaintiff, §
§
v. §
§ CIVIL ACTION NO. 4:20-CV-03484
Willis of Illinois, Inc., et. al. §
§
Defendants. §
§
§

DECLARATION OF AUSTIN BRUMBAUGH

STATE OF TEXAS §
§
COUNTY OF HARRIS §

Austin Brumbaugh declares as follows:

1. My name is Austin Brumbaugh and I am over the age of 18 years of age. My business address is 811 Main Street, Suite 4100, Houston, Texas 77002. I am fully competent to make this Declaration regarding the matters stated herein. The matters stated herein are true and correct and are based upon my personal knowledge.

2. I am an attorney at the law firm of Yetter Coleman LLP and counsel for Plaintiff Fiesta Mart, LLC. I am personally familiar with the documents and information described herein, as well as with the originals and copies of the documents referenced herein. I submit this Declaration in support of Plaintiff's Response to Defendants Willis Towers Watson Midwest, Inc. (F/K/A Willis of Illinois, Inc.) and Willis Towers Watson US, LLC's Motion for Summary Judgment.

3. Exhibit 1 to Plaintiff's Response is a true and correct copy of excerpts from the June 28, 2022 deposition of Jeffery Roberts.

4. Exhibit 2 to Plaintiff's Response is a true and correct copy of the Fiesta Mart, LLC Corporate Business Account Statement; bates nos. FIESTA_MART0000095-96.

5. Exhibit 3 to Plaintiff's Response is a true and correct copy of First Partial Proofs of Loss; bates nos. FIESTA_MART0000079-85.

6. Exhibit 4 to Plaintiff's Response is a true and correct copy of Sept. 13, 2017 XL Catlin Email; bates no. Indian_Harbor_000109.

7. Exhibit 5 to Plaintiff's Response is a true and correct copy of Sept. 13, 2017 XL Catlin Check; bates no FIESTA_MART0002121.

8. Exhibit 6 to Plaintiff's Response is a true and correct copy of Sept 20, 2017 Email Chain; bates nos. WTW_00012959-60.

9. Exhibit 7 to Plaintiff's Response is a true and correct copy of Sept 28, 2017 Email from B. Conant to B. Loncarevic; bates no. FIESTA_MART0002110.

10. Exhibit 8 to Plaintiff's Response is a true and correct copy of Sept 27, 2017 Email from B. Conant to B. Loncarevic; bates no. WTW_00013073.

11. Exhibit 9 Plaintiff's Response is a true and correct copy of April 6, 2021 Email Chain; bates nos. Allied_World_000052-56.

12. Exhibit 10 to Plaintiff's Response is a true and correct copy of Sept. 28, 2017 Email from B. Conant to W. Peterson; bates no. WTW_00013096.

13. Exhibit 11 to Plaintiff's Response is a true and correct copy of Willis Towers Watson's Standard Terms and Conditions for U.S. Property & Casualty Retail Accounts; bates nos. FIESTA_MART0019383-92.

14. Exhibit 12 to Plaintiff's Response is a true and correct copy of excerpts from the July 7, 2022 deposition of David Olson.

15. Exhibit 13 to Plaintiff's Response is a true and correct copy of the Declaration of Jack Hook, dated Nov. 1, 2022.

16. Exhibit 14 to Plaintiff's Response is a true and correct copy of Jan. 31, 2018 Email Chain; bates no. WTW_00018381.

17. Exhibit 15 to Plaintiff's Response is a true and correct copy of Jan. 30, 2018 Email Chain; bates nos. WTW_00018379-80.

18. Exhibit 16 to Plaintiff's Response is a true and correct copy of Jan. 31, 2018 Email Chain; bates no. WTW_00018387.

19. Exhibit 17 to Plaintiff's Response is a true and correct copy of Second Partial Proofs of Loss; bates nos. FIESTA_MART000137-43.

20. Exhibit 18 to Plaintiff's Response is a true and correct copy of Sept. 4, 2018 Email Chain; bates nos. WTW_00019259-62.

21. Exhibit 19 to Plaintiff's Response is a true and correct copy of excerpts of the June 9, 2022 deposition of Jack Hook.

22. Exhibit 20 to Plaintiff's Response is a true and correct copy of Sept. 11, 2018 Letter from J. Hook to J. Roberts; bates nos. Allied_World_000516-18.

23. Exhibit 21 to Plaintiff's Response is a true and correct copy of Sept. 15, 2018 Email Chain; bates nos. WTW_00002896-97.

24. Exhibit 22 to Plaintiff's Response is a true and correct copy of Oct. 1, 2018 Email Chain; bates nos. WTW_00019574-76.

25. Exhibit 23 to Plaintiff's Response is a true and correct copy of Oct. 24, 2018 Letter from T. Cunningham to Allied World Assurance Company (U.S.) Inc.; bates nos. Allied_World_0000556-57.

26. Exhibit 24 to Plaintiff's Response is a true and correct copy of Oct. 31, 2018 Letter from M. Katz to T. Cunningham; bates nos. Indian_Harbor_000666-67.

27. Exhibit 25 to Plaintiff's Response is a true and correct copy of June 23, 2020 Letter from J. Hook to B. Conant; bates no. FIESTA_MART0003390.

28. Exhibit 26 to Plaintiff's Response is a true and correct copy of July 10, 2020 Email Chain; bates no. WTW_00026455.

29. Exhibit 27 to Plaintiff's Response is a true and correct copy of April 19, 2021 Insured Defendants' Answer and Affirmative Defenses to Plaintiff's Second Amended Complaint and Counterclaims (Dkt. 50).

30. Exhibit 28 to Plaintiff's Response is a true and correct copy of Westport Property Insurance Policy; bates nos. Westport_000096-159.

31. Exhibit 29 to Plaintiff's Response is a true and correct copy of June 6, 2017 Evidence of Property Insurance; bates nos. FIESTA_MART0000821-823, FIESTA_MART0000902-03, and FIESTA_MART0000945-47.

32. Exhibit 30 to Plaintiff's Response is a true and correct copy of excerpts from the June 14, 2022 deposition of Henry Daar.

33. Exhibit 31 to Plaintiff's Response is a true and correct copy of excerpts from the June 10, 2022 deposition of Nancy Collins.

34. Exhibit 32 to Plaintiff's Response is a true and correct copy of Sept 4, 2018 Email Chain; bates nos. WTW_00012478-85.

35. Exhibit 33 to Plaintiff's Response is a true and correct copy of excerpts from the March 23, 2018 Membership Interest Purchase Agreement ("MIPA"); bates nos. WTW_00020364 and WTW_00020439.

36. Exhibit 34 to Plaintiff's Response is a true and correct copy of Willis Office Locations <https://www.wtwco.com/en-US/About-Us/office-locations#united-states> (last accessed Oct. 19, 2022).

37. Exhibit 35 to Plaintiff's Response is a true and correct copy of April 8, 2016 Email Chain; bates nos. WTW_0003679-85.

38. Exhibit 36 to Plaintiff's Response is a true and correct copy of Oct. 27, 2020 Letter from J. Weinstein to T. Cunningham; bates nos. FIESTA_MART0003392-97.

39. Exhibit 37 to Plaintiff's Response is a true and correct copy of Aug. 27, 2020 Letter from J. Weinstein to T. Cunningham; bates nos. Hiscox_000422-25.

40. Exhibit 38 to Plaintiff's Response is a true and correct copy of Aug. 27, 2018 Email from B. Conant to D. Scielzo; bates no. FIESTA_MART0028739.

41. Exhibit 39 to Plaintiff's Response is a true and correct copy of excerpts from the June 23, 2022 deposition of Mark Evans.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 1st day of November, 2022.



Austin Brumbaugh